

## Comment Letter I37

COMMENTS ON THE SOITEC SOLAR DRAFT PEIR

March 2, 2014

To:

Robert Hingtgen

County of San Diego

Department of Planning and Development Services

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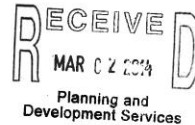
Robert.Hingtgen@sdcounty.ca.gov

From:

Carolyn Allen

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Mr. Hingtgen,

I oppose Soitec Solar's four Boulevard projects as well as the Los Robles Solar alternate sites. I support the NO PROJECT alternative.

I am an Imperial Valley resident so I have seen the problems caused by large remote solar facilities placed in the Valley in recent years ( problems including but not limited to invasive power lines and infrastructure, additional heat generated by solar panels, high traffic impacts to small rural roads creating dangerous conditions, excessive vibrations and noise during construction, new intrusive light sources, the spoiling of our open rural areas by these ugly industrial solar monstrosities as well as many of the other concerns listed below that negatively impact local residents , wildlife and environment ).

Over the years I have enjoyed spending time outdoors in the Boulevard area. So I understand how important it is to save this wonderful region from these destructive projects. This industrial solar will ruin the quality of life in these rural open spaces.

There is no need to destroy San Diego's beautiful back country in the pursuit of "green" energy. Point of use power generation is a far better choice (eg. rooftop solar). San Diego still has an abundance of rooftop space suitable for solar installation.<sup>1</sup>

<sup>1</sup> [http://www.sandiego.edu/documents/epic/060309\\_ASESPVPotentialPaperFINAL\\_000.pdf](http://www.sandiego.edu/documents/epic/060309_ASESPVPotentialPaperFINAL_000.pdf)

## Response to Comment Letter I37

Carolyn Allen

March 2, 2014

I37-1

The County of San Diego (County) acknowledges the commenter's opposition to the Proposed Project. The County acknowledges the commenter's support for the No Project Alternative. The decision makers will consider all information in the Final Program Environmental Impact Report (FPEIR) and related documents before making a decision on the Proposed Project. The information in this comment will be in the FPEIR for review and consideration by the decision makers.

The potential adverse effects listed in this comment were considered and addressed throughout the Draft Program Environmental Impact Report (DPEIR); refer to Chapters 2.0 and 3.0. Concerns about impacts related to power lines, solar panel heat, traffic, vibration and noise, light and aesthetics, and wildlife are addressed in specific responses below.

The County acknowledges the commenter's support for a distributed-generation energy alternative. See common response ALT2.

<p>Below is a partial list of items not adequately addressed by the Draft PEIR and reasons I oppose the Soitec Projects:</p> <p>1) WATER - Soitec projects present a danger to water sources in the vicinity due to possible overdraft, contamination and damage to aquifers and wells. This area is dependent on its local sources of water. An ECO Report article by Mariam Raftery and Roy L.Hales dated Feb. 9, 2014 and entitled "San Diego: Does Boulevard Have Enough Water For Soitec's Solar Projects?" points out many concerns.<sup>2</sup> See also the study done by Victor M. Ponce entitled "Impacts of Soitec Solar Projects on Boulevard and Surrounding Communities, San Diego, California" and dated Nov. 15, 2013 and referenced in the above ECO Report article. <sup>3</sup></p> <p>2) FIRE - The projects pose an increased risk for fires in a region that can be devastated by wildfires. An example of wildfire danger in the back county area is the Shockey Fire in 2012 near Boulevard where one person was killed and about 25 structures were destroyed.<sup>3</sup> The Cedar Fire is another example. It should also be noted here that "SDG&amp;E has acknowledged that sparking power lines started the Witch Creek fire near Santa Ysabel and the smaller Guejito fire in the San Pasqual Valley that would eventually merge with Witch Creek."<sup>4</sup> These proposed projects involve many possible ignition sources. The projects pose an increased risk for fire fighters and if built will be an impediment to fighting wildfires. Fire insurance rates for locals could increase because of the risks posed by the projects.</p> <p>3) Soitec's modules planned for use are excessively large, experimental and very costly. They will be too close to homes.</p> <p>4) DUST - Dust will be generated during construction and while the facilities are operating. The solar projects built in the south end of the Imperial Valley created tremendous amounts of dust during construction. The dust suppressants used also come with a whole slew of problems and pose risks to the environment.</p> <p>5) GLARE NOISE &amp; HEAT - The Projects will create glare, noise, and possible heat island effects that could bother or harm neighbors, animals and birds. Birds are being injured and killed by some solar projects. The draft PEIR does not adequately address these issues.</p> <p>6) The Soitec Projects could cause health problems from EMF, stray voltage and dirty electricity.</p> <p>7) The judicial fast-tracking of the Soitec's solar projects under AB900 has been ruled unconstitutional and therefore the projects should be stopped.</p> <p>8) These Soitec Projects will disproportionately adversely affect this rural low income area. Was the area purposely targeted by developers because it was a low income area and rural? Also the local residents will be forced to suffer from all of the significant negative impacts while other people living outside of the area will receive the benefit of the power from the projects.</p> <p><sup>2</sup> <a href="http://www.thecoreport.com/green-blogs/area/usa/california/san-diego/san-diego-does-boulevard-have-enough-water-for-soitecs-solar-projects/">http://www.thecoreport.com/green-blogs/area/usa/california/san-diego/san-diego-does-boulevard-have-enough-water-for-soitecs-solar-projects/</a></p> <p><sup>3</sup> <a href="http://cdldata.fire.ca.gov/incidents/incidents_details_info?incident_id=754">http://cdldata.fire.ca.gov/incidents/incidents_details_info?incident_id=754</a></p> <p><sup>4</sup> <a href="http://www.utsandiego.com/news/2014/Feb/14/fires-witch-creek-gas-electric-lawsuits/">http://www.utsandiego.com/news/2014/Feb/14/fires-witch-creek-gas-electric-lawsuits/</a></p>	<p><b>I37-2</b></p> <p>Based on the environmental analysis (Section 3.1.5.1.1 of the DPEIR), the Proposed Project is not expected to exceed the County of San Diego's significance thresholds for well interference. Additionally, the Groundwater Monitoring and Mitigation Plans will require the applicants to monitor water levels on site and at neighboring property water wells during both construction and operation; see Section 3.1.5.3.4 of the DPEIR for further details. Impacts to off-site wells utilized for Project water demands are analyzed in Section 3.1.9.3.1 of the DPEIR. Please also refer to common response WR1.</p> <p>The Raftery/Hales article referenced by the commenter includes a summary of the report prepared by Dr. Victor M. Ponce, a statement from Well Done Pump Service and Supply, community concerns regarding underestimation of construction water demand and operational glare, Dudek's groundwater work on the Madera Golf Club in Poway, and Subregional Plan Amendments. A response to the report prepared by Dr. Victor M. Ponce is provided below. The County acknowledges the statement from Well Done Pump Service and Supply. Potential impacts to groundwater resources are analyzed in Sections 3.1.5.3.4 and 3.1.9.3.1 of the DPEIR. Please refer to common response WR1 regarding construction water demand and Section 2.1.3.3 regarding operational glare impacts of the Proposed Project. Dudek's groundwater</p>
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	<p>work on the Madera Golf Club in Poway is does not raise specific issues related to the project or adequacy of the environmental analysis in the DPEIR; therefore, no additional response is provided or required. Each section of the DPEIR lists references used in the preparation of that section, including the studies used to support the analysis and conclusions presented in the DPEIR. The referenced sections provide all studies used as reference and background material within the analysis of each applicable section of the DPEIR. All important data or material was incorporated directly into the analysis of the DPEIR. The DPEIR includes summarized technical data pursuant to Section 15147 of the CEQA Guidelines, and provides sufficient material “to permit full assessment of significant environmental impacts by reviewing agencies and members of the public.” Any reports associated with technical analysis were made available for public review. Comments regarding the legality of the Subregional Plan Amendments does not raise specific issues related to the project or adequacy of the environmental analysis in the DPEIR; therefore, no additional response is provided or required.</p> <p>The County has reviewed Dr. Victor M. Ponce’s report cited in this comment. The County does not dispute some of the basic theoretical premises stated in Dr. Ponce’s report; however, the County does not agree with Dr. Ponce’s report in regard to the significant</p>
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	<p>impacts to groundwater resources and groundwater-dependent habitat under CEQA; see common response WR2 for further details.</p> <p><b>I37-3</b> The County acknowledges the commenter's concern with fire risk in the Boulevard area and fire hazards associated with the Proposed Project.</p> <p>The DPEIR is based on extensive analysis conducted in coordination with the fire agencies, including the San Diego County Fire Authority (SDCFA), the California Department of Forestry and Fire Protection (CalFire), and the San Diego Rural Fire Protection District, and is consistent with industry standards and procedures. As stated in the DPEIR, Section 3.1.4.3.3, an increase in the risk of wildland fire would occur on the site during construction and decommissioning where there is the largest amount of fuel on the site combined with increased activity and ignition sources. However, with implementation of a site-specific Construction Fire Prevention Plan that will be approved by the SDCFA and CalFire as described in project design feature (PDF) PDF-HZ-2, as well as with implementation of PDF-TR-1, which would ensure safe access in the area during construction for emergency responders, impacts are anticipated to be less than significant during construction and decommissioning. Additionally, it should be noted that the Proposed Project would</p>
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	<p>contribute funding toward local fire and emergency response capabilities (PDF-PS-1).</p> <p>The County generally agrees that the Proposed Project would introduce possible ignition sources. To reduce the risk of fire on the site and improve the effectiveness of an emergency response should a fire occur on site, site-specific Fire Protection Plans (FPPs) for the Tierra del Sol solar farm (Appendix 3.1.4-5 of the DPEIR) and the Rugged solar farm (Appendix 3.1.4-6 of the DPEIR) have been prepared, will be approved, and will be implemented. The FPPs were prepared by a County-approved CEQA consultant in accordance with the County's <i>Guidelines for Determining Significance and Report Format and Content Requirements: Wildland Fire and Fire Protection</i>, dated August 31, 2010. As per PDF-HZ-3, similar site-specific FPPs will be prepared and approved by the SDCFA for the LanEast and LanWest solar farms prior to approval of a Major Use Permit.</p> <p>This comment raises concerns related to fire insurance rates. This topic was not evaluated in the DPEIR since it is not related to environmental impacts. However, the commenter's concern is acknowledged and will be included in the FPEIR for review and consideration by the decision makers.</p> <p><b>I37-4</b> The County acknowledges the commenter's opinion presented in this comment. This comment does not</p>
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	<p>raise specific environmental issues for which a response is required. It should be noted, however, that impacts to surrounding residents were considered in the DPEIR and the Proposed Project design incorporates setbacks related to aesthetics, noise, and fire (see Sections 2.1, 2.6, and 3.1.4).</p> <p><b>I37-5</b> The County acknowledges this comment and agrees that dust will be generated during construction of the Proposed Project and may also be generated during operation of the Proposed Project. As indicated in Section 2.2.3.2 of the DPEIR, PDF-AQ-1 includes measures to reduce fugitive dust during Proposed Project construction and operation. Dust control reduction measures would also be implemented during operations as conditions of project approval. Measures include, but are not limited to, soil stabilization, watering, enforcing speed limits, and more specifically the treatment of road surfaces and disturbed areas with a nontoxic soil binding agent and/or placement of disintegrated granite or other aggregate base material on all graded internal access and fire roads or other graded pads. The commenter does not provide information regarding how the Proposed Project's dust suppressants pose risks to the environment; therefore, no further response is required.</p> <p>See also the response to comment I27-2.</p>
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	<p><b>I37-6</b> The County acknowledges the commenter's concern associated with glare, noise, and heat. These potential adverse effects were considered and addressed in the DPEIR; see Chapters 2.1, Aesthetics; 2.6, Noise; and 3.1.4, Hazards and Hazardous Materials. See also the response to comment I91-5 regarding potential heat island effects. Related to potential avian mortality at solar projects, please refer to the response to comment F1-5 and F1-6.</p> <p>The County does not agree that the DPEIR does not adequately address these issues; in conformance with CEQA, the DPEIR evaluated the whole of the action and analyzed each of the aforementioned topics with regard to potential adverse effects. The DPEIR is consistent with the County's EIR Format and General Content Requirements, dated September 26, 2006. The comment is not specific regarding the failure of the DPEIR to adequately address these issues; therefore, no further response is provided.</p> <p><b>I37-7</b> The County acknowledges the commenter's concern associated with EMF, stray voltage and dirty electricity. The County assumes the commenter is referring to electric and magnetic fields (EMF). Recognizing there is a great deal of public interest and concern regarding potential health effects and hazards from exposure to EMFs, the DPEIR provides information regarding these potential issues; see Section 3.1.4.5 of the DPEIR. However, the DPEIR does not consider EMFs in the</p>
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	<p>context of CEQA for determination of environmental impact because there is no agreement among scientists that EMFs create a health risk and because there are no defined or adopted CEQA standards for defining health risks from EMFs. As a result, the EMF information is presented for the benefit of the public and decision makers. Furthermore, in response to this comment and other comments regarding EMF, a memorandum was prepared by Asher R. Sheppard, PhD to support the information provided in the DPEIR and provide more detail; see Appendix 9.0-1 of the DPEIR. The memorandum concludes that EMF from the Proposed Project are highly localized and pose no known concern for human health.</p> <p><b>I37-8</b> See response to comment O16-2.</p> <p>The Jobs and Economic Improvement through Environmental Leadership Act of 2011 (AB 900) is codified at California Public Resources Code Section 21178 et seq. In <i>Planning &amp; Conservation League v. California</i>, Judge Roesch of the Superior Court of Alameda County ruled that California Public Resources Code Section 21185(a), which provided that any challenge to an environmental impact report (EIR) certified under AB 900 would go directly to the court of appeal, was unconstitutional (see <i>PCL v. Cal.</i>, Judgment Granting Declaratory and Injunctive Relief, Case No. RG12626904, June 8, 2013). Judge Roesch's decision did not concern any other sections of AB 900.</p>
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<p>9) The Projects will cause a loss of property value, quality of life, scenic views, recreational areas, wildlife and wildlife habitat.</p> <p>10) Solar is an intermittent and less reliable source of energy. The Soitec projects could contribute to surges, brownouts or loss of power. Solar projects also require back-up energy for balancing which must be adequately considered.</p> <p>11) There will be a loss of electricity travelling long distances from these remote sites. This is another reason the Boulevard area is a bad site choice.</p> <p>12) It should be taken into consideration that renewable energy projects such as the proposed Soitec Projects often result in increased energy rates for the consumers.</p> <p>13) The cumulative impacts to this region from so many energy generating and infrastructure projects must be taken into account.</p> <p>14) A lot of trash is generated during the construction phase and the decommissioning of solar projects such as this. Has the impact to dumps been sufficiently analyzed?</p> <p>15) I oppose the amending of the Boulevard Community Plan and removing the agricultural preserve.</p> <p>16) The proposed Soitec Projects do not comply with the area's Community Plan.</p> <p>Once again I urge you to oppose all Soitec Solar's Boulevard sites and the Los Robles Solar alternate sites. I strongly advocate the NO PROJECT alternative.</p> <p>Thank you,</p> <p>Carolyn Allen</p> <p>3</p>	<p>I37-10</p> <p>I37-11</p> <p>I37-12</p> <p>I37-13</p> <p><b>I37-9</b></p> <p>In response, the California Legislature passed and Governor Brown signed into law Senate Bill (SB) 743, which amended various sections of AB 900, including California Public Resources Code Section 21185(a), which Judge Roesch had ruled unconstitutional. SB 743 took effect on January 1, 2014.</p> <p>The Proposed Project application and preparation of the DPEIR has not been fast-tracked by the County; the application for the Proposed Project has been processed by the County according to the County Zoning Ordinance and related regulations. The preparation of the DPEIR took place over more than a year.</p> <p>The County disagrees that the location for the Proposed Project was chosen due to the economic status of the community. Instead, the Proposed Project is proposed for the Boulevard area because the area meets several of the Project objectives: it has high direct normal irradiance (Objective 4), is located near existing transmission facilities (Objective 3), and provides an opportunity to create utility-scale solar energy in-basin to improve the reliability of the San Diego region (Objective 2). The County acknowledges that the Proposed Project would have potential significant environmental impacts, as described in the DPEIR. All feasible mitigation available to reduce these impacts to less than significant have been proposed; however, certain impacts to aesthetics, air</p>
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	<p>quality, and land use will remain significant and unavoidable. Should the decision makers wish to adopt the Project with significant and unavoidable impacts, a Statement of Overriding Considerations would be adopted.</p> <p><b>I37-10</b> This comment raises concerns regarding property values and quality of life. These topics were not evaluated in the DPEIR since they are not related to environmental impacts (see 14 CCR 15131). However, this type of information can be presented to decision makers for their consideration during the hearing process for the Proposed Project.</p> <p>Potential adverse impacts related to scenic views, recreational areas, wildlife, and wildlife habitat were considered and addressed in the DPEIR; see Chapter 2.1, Aesthetics; 2.3, Biological Resources; and 3.2.1, Parks and Recreation. Also see response to comment I17-5. The County found there would be a less than significant impact on wildlife and wildlife habitat; see DPEIR Section 2.3.3. There would be no significant impact to recreational facilities; see DPEIR Chapter 3.2.1. The County acknowledges that the LanEast and LanWest projects would have a significant and unavoidable impact on scenic vistas (DPEIR Section 2.1.7).</p> <p><b>I37-11</b> The County does not agree that solar is a less reliable source of energy, or that the Proposed Project would contribute to surges, brownouts, or loss of power. The</p>
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	<p>commenter does not provide any evidence of this statement. Solar energy as an intermittent energy resource is not an environmental issue for which a response is required. California has implemented policies to facilitate the development of solar energy generation facilities; the Proposed Project seeks to help the state meet these policy goals. See response to comment O14-3.</p> <p>The comment's concern regarding increased energy rates for consumers is acknowledged. This portion of the comment does not raise specific environmental issues for which a response is required.</p> <p>The cumulative impacts of the Proposed Project, in combination with energy, infrastructure, and other projects, were analyzed in the DPEIR. Section 1.7 summarizes the DPEIR's cumulative impacts analysis and Table 1-12 lists all relevant cumulative projects. Each environmental issue area analyzed in the DPEIR in Chapter 2.0 and Chapter 3.0 include an evaluation of cumulative impacts.</p> <p><b>I37-12</b> Sections 3.1.9.1.2 and 3.1.9.3.3 of the DPEIR addresses the Proposed Project's potential impacts related to solid waste during construction, operation, and decommissioning of the Proposed Project, as well as the capacity of landfills to accept that waste currently and in the future.</p>
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	<p>In response to this comment, the County has made revisions and clarifications to the DPEIR. These revisions to the EIR are presented in <del>strikeout</del><u>underline</u> format; refer to Section 3.1.9.1.1, Regional Overview (Solid Waste). The DPEIR has been revised to reference more recent data from CalRecycle regarding the permitted disposal rate/throughput and remaining capacity of the Sycamore landfill. To the extent these changes and additions to the EIR provide new information that may clarify or amplify information already found in the DPEIR, and do not raise important new issues about significant effects on the environment.</p> <p><b>I37-13</b> The Proposed Project is in compliance with the Boulevard Community Plan (refer to Section 2.5, Land Use and Planning, and Appendices 2.5-1 and 2.5-2 of the DPEIR). As explained in Section 2.5, the Proposed Project is in conformance with the goals and policies of the Boulevard Community Plan as amended by the Wind Ordinance POD 10-008 General Plan Amendment (GPA 12-003), adopted by the Board of Supervisors on May 15, 2013. The court challenge to the Wind Ordinance EIR, which analyzed related General Plan amendments, has been upheld in <i>Protect Our Communities Foundation v. San Diego County Board of Supervisors</i> (San Diego Superior Court case no. 37-2013-00052926-CU-TT-CTL). The commenter's opposition to removing the agricultural</p>
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	<p>preserve on Tierra del Sol is acknowledged. The County found that the Proposed Project would have no significant impact on agricultural resources; refer to DPEIR Section 3.1.1.3 for an analysis of the agricultural preserve and its removal for the Project.</p> <p>In response to this comment, the County has made revisions and clarifications to the DPEIR. These revisions to the EIR are presented in <del>strikeout</del><u>underline</u> format; refer to Section 3.1.1.1.3, Rugged. The EIR has been revised to clarify that the Rugged Solar LLC Project site is not located in an agricultural preserve. To the extent these changes and additions to the EIR provide new information that may clarify or amplify information already found in the DPEIR, and do not raise important new issues about significant effects on the environment, such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.</p> <p>Refer also to the response to comment I37-1.</p> <p><b>References</b></p> <p>14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.</p> <p>California Public Resources Code, Sections 21178–21189.3. The Jobs and Economic Improvement through Environmental Leadership Act of 2011 (AB 900).</p>
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	<p>County of San Diego. 2006. <i>County of San Diego Environmental Impact Report Format and General Content Requirements</i>. County of San Diego Land Use and Environment Group, Department of Planning and Land Use, Department of Public Works. September 26, 2006.</p> <p>County of San Diego. 2010. <i>Guidelines for Determining Significance and Report Format and Content Requirements: Wildland Fire and Fire Protection</i>. County of San Diego, Land Use and Environment Group, Department of Planning and Land Use, Department of Public Works. March 19, 2007; last updated August 31, 2010. <a href="http://www.sdcounty.ca.gov/pds/docs/Fire-Guidelines.pdf">http://www.sdcounty.ca.gov/pds/docs/Fire-Guidelines.pdf</a>.</p> <p>County of San Diego. 2013. <i>Boulevard Subregional Planning Area: Mountain Empire Subregional Plan</i>. August 2011; amended May 15, 2013. <a href="http://www.sdcounty.ca.gov/pds/docs/CP/Boulevard_CP.pdf">http://www.sdcounty.ca.gov/pds/docs/CP/Boulevard_CP.pdf</a>.</p>
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